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July 1, 1998

Lester Snow, Director
CALFED Bay/Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

RE: Draft Programmatic EIR/EIS of March, 1998

Dear Mr. Snow:

The League of Women Voters of California (LWVC) is pleased to comment on the adequacy of the March, 1998, Draft Programmatic EIR/EIS (DEIS/EIR) for a long term Bay/Delta solution. We believe the DEIS/EIR is incomplete because of numerous technical, operational and economic gaps and because of the limited range and scope of alternatives covered. ***In summary, the Draft does not present adequate information, even in a programmatic format, for choosing a preferred alternative at this time.***

The League wishes to thank you for extending the public comment period to July 1. We now understand that CALFED plans to prepare a revised draft by December, 1998, which will identify a preferred alternative, and will again seek public comments early in 1999 before finalizing the programmatic document. The League commends you for agreeing to prepare a second draft and for increasing your outreach efforts.

The League has three major recommendations which we request the DEIS/EIR and CALFED agencies seriously consider in the December document:

- Craft a fourth alternative based on a reoperation of the existing system with an emphasis on restoration, demand management and conservation which seeks to improve the water reliability and quality for both fisheries and wildlife and California's people.
- Present a plan to implement the program in stages with increased, intensive monitoring, especially during the next phase, Stage I.
- Analyze how to maximize the implementation of CALFED's common programs, known as the "soft path" approach, as a first step before making a final decision on the construction of expensive, new facilities.

LWVC has signed the comprehensive document submitted by the Environmental Water Caucus (EWC). Its comments reflect a statewide, positive perspective about CALFED's core issues and in depth understanding of the deficiencies in the current draft. The following remarks amplify our three basic recommendations.

ADDITIONAL ALTERNATIVES AND STORAGE CONCERNS

Alternatives

Based on the documentation presented in the DEIS/EIR, CALFED should not search for a “silver bullet” solution—because it does not exist. Fisheries experts state that each of the three alternatives would result in some level of impact for species of concern and their lifestages. Because of the unknowns and uncertainties, CALFED must search beyond its present analysis and explore new alternatives in the revised draft, thoroughly examining the economic impacts and fiscal costs, the interrelationships among programs and a staged implementation approach that can meet CALFED’s solution principles.

- As stated in our recommendations, we think there is great merit in exploring to what extent the reoperation of the existing system would meet CALFED’s essential criteria for a viable solution and how reoperation would compare to other alternatives. The analysis should emphasize supply reliability, water quality improvements and environmental benefits achieved through adaptive management approaches and the implementation of the “soft path,” nonstructural common programs. If CALFED’s analysis is comprehensive, the results could shed light on many issues and expand information for choosing a preferred alternative.
- The three choices now presented in the DEIS/EIR seem too vague and narrow in scope. It is unclear how CALFED would integrate the common programs in each alternative, what the differences would be, and the degree to which efficiencies, reclamation, conjunctive use, demand side management and transfers could contribute toward achieving CALFED’s mission and goals. All of them should also include the development of standards in order to monitor results, provide assurances and provide milestones for program achievements.
- Along with researching “Alternative IV” (the reoperation alternative), other possibilities the second draft should explore include the feasibility of (the currently discussed) smaller versions of an isolated facility for Alternative III, and the reconfiguration of Alternative II to be more fish friendly with less entrainment. It is important to fill in technical gaps wherever possible, and to broaden the analyses of existing alternatives as stated above.

The Question of Storage

CALFED presents the same amount or range of storage for all three alternatives. We realize the document is programmatic, however, the DEIS/EIR fails to present convincing evidence that additional offstream or onstream storage is essential to the success of any of the three proposals, or whether additional new surface storage will assist or harm environmental restoration.

Based on the DEIS/EIR, the League prefers no further increase in additional surface storage as part of a CALFED solution. Postponement of a decision seems the more prudent course. However, the League is not against off stream storage *per se*. One of our water positions encourages offstream storage and discourages additional onstream dams. Others stress stewardship of natural resources, an emphasis on nonstructural alternatives, and setting limits on the amount of water exported through or around the Delta. The League has examined water construction projects carefully in the past and will consider their desirability in the future in relation to all League positions, assessing the economic, social, and environmental costs and benefits of water projects.

- We question if “environmental water” (as described in the draft) that is placed in new reservoirs would actually provide net environmental benefits because of the impacts of building new storage

and the lack of a clear definition of the use or uses of "environmental water." It seems probable that water management techniques could produce the same benefits, with less cost and less interference with restoration. This is a major League concern; we would like more answers since the programmatic EIS/EIR will be used as the focal point for implementation.

- By postponing surface storage decisions, CALFED can expand significantly its knowledge about technical, operational and ecosystem restoration. At the end of Stage I (five to seven years), new scientific information—the result of increased monitoring—should reveal (1) the benefits received from reoperating the existing system, especially the impact on water quality (bromide issues), and if reoperation shows a need for new surface storage; (2) increased scientific knowledge about ecosystem restoration and fisheries enhancement; and (3) how the implementation of the common programs has worked to the benefit of all stakeholders.
- Also, CALFED must clearly acknowledge the damage incurred from past water development. The record over the last thirty years suggests that increasing exports correlates strongly with decreasing fisheries. The state's storage capacity, including its share of Colorado River storage, now exceeds 60 million acre feet and depletes unimpaired runoff almost 50%.
- The revised draft should explore, to a much greater extent, the feasibility of examining other options for storage. Examples include additional measures to mitigate past damages from water storage development; additional operational and management changes, thus first maximizing improvements in what now exists; or the purchase of dams and reservoirs which, we understand, P G & E is planning to sell. The next draft, too, should analyze the changes in water flows on the San Joaquin River because of the recent court decision regarding contracts in the San Joaquin Valley. And greater emphasis must be given to developing conjunctive use storage throughout the CALFED watershed.

DEVELOPING AND MAXIMIZING "THE SOFT PATH"

An alternative for maximizing the soft path approach has not received the attention it deserves in the current DEIS/EIR. The following are additional comments to those incorporated in the EWC paper.

Conservation

The League has a special interest in conservation, or water efficiencies. It is an important non-structural element which the League would like practiced statewide. Water is a resource and we are its stewards. While conservation may not be the total answer for a CALFED solution, it should be a top priority for CALFED and required as an essential first step. We request CALFED—and the DEIS/EIR—to examine the implementation of efficiencies throughout all parts of the CALFED watershed.

- Northern California should be required to reach its conservation potential as well as the Southern part of the state. Yet the DEIS/EIR ignores this possibility completely, discussing northern efficiencies primarily from the Bay Area. CALFED should explore the feasibility of requiring conservation for all areas under its jurisdiction. This would mean figuring out what incentives for land owners and agencies in the Northern Sacramento Valley would encourage—or make it possible to require—the implementation of BMPs or EWMPs in this area.
- The results would be beneficial not only locally but statewide and, we think, cost effective on a statewide basis. For example, increased water savings practiced statewide would result in more

streamflow for fisheries in tributaries, rivers and downstream areas, improved habitat in the upper or lower watersheds which the local areas advocate. Savings could augment groundwater supplies, be used for conjunctive use or environmental purposes, or provide relief in critically dry years.

- We think the DEIS/EIR and CALFED both vastly underestimate the potential for conservation in both the urban and agricultural sector as well as overestimating population growth. The draft figures seem to be based on what the League considers flawed assumptions from DWR's Bulletin 160-98. CALFED should provide its own supporting documentation along with its sources, and seek public comment before finalizing the environmental documentation. (LWVC has written to DWR and has attached a copy of its comments to this letter because of their relevancy.)
- The League is concerned with the disparity between efficiencies proposed for the urban and rural sectors and with the apparent acceptance of these differences by CALFED. League members have participated in both the CUWCC and AB 3616 process and now actively support the progress of the CUWCC. However, the LWVC did not sign the AB 3616 MOU because of its purely voluntary, planning approach. We think the MOU will do little to increase agricultural conservation. CALFED should recognize the AB 3616 MOU only as a starting point and require much greater compliance, adding EWMPs such as pricing reforms. Other issues such as cropping pattern changes and land retirement should be strongly encouraged, perhaps with incentives for landowners. We urge CALFED to take more of a leadership approach and advocate equitable implementation of efficiencies by both urban and rural sectors.

Reclamation or Use of Recycled Water

The League supports a more aggressive program component in all alternatives for the use of recycled water. We support the concept of a BMP for recycled water as suggested. But, overall, we think that reclamation's potential is minimized in the DEIR/EIS and in CALFED's implementation planning. Again, we urge CALFED to take a leadership role by offering to provide funding assistance where needed, and helping to establish specific goals and criteria.

Fisheries and Habitat Restoration

We are pleased with the development of the ERPP as recommended by the BDAC Ecosystem Restoration Workgroup. However, we agree with the DEIR/EIS that major unresolved technical issues exist regarding diversion effects on fisheries.

- CALFED has a unique opportunity now to focus on research and monitoring, resulting in adaptive management experiments which increase our understanding of fishery issues. An example is the indirect effects leading to mortality. The DEIS/EIR should examine which research projects should be undertaken and relate these to a better refinement of CALFED's assumptions regarding fisheries protection and restoration goals.
- The restoration goals appear far too meager for the North Bay east of Suisun Marsh as well as the analysis of the impacts of a CALFED alternative on the Bay itself. Since the Bay is an essential part of the Delta/Bay estuary, we question CALFED's cut off point for both restoration and analysis of outflows. We agree that the CALFED program is not charged with solving all California's water problems; however, it seems important for the revised draft to examine the total estuary rather than minimizing one of its largest areas. CALFED should understand the degree of outflow needed to maintain the Bay's health and ascertain what the preferred alternative's impact will be, if any.

- This fits in with another element that could benefit from greater DEIS/EIR analysis: the issue of Delta flow targets, especially flows required in critical years. Further examination should explore nonstructural options that can implement target environmental flows not dependent on water stored in newly constructed facilities. The analysis should also cover the amount of streamflow required for ecosystem objectives that (1) should be augmented now, or (2) should be preserved for future use.
- The League urges expansion of the implementation strategy for environmental water acquisition. A strategy would make more sense if an established environmental water right or water budget was formulated, based on the Endangered Species Act and requirements of other state and federal regulations. This issue should be explored in the revised draft. A water budget could be adaptive, in an equal manner with a budget for other stakeholders based on the water year. But a baseline should be established on the amount essential for habitat/fishery restoration, not only in the Bay/Delta but in its tributaries and streams. We urge CALFED to review this option as part of the final preferred alternative.
- While a number of programmatic streamflow actions for fishery enhancement are included, there is no separate analysis for Eastside tributaries. The DEIS/EIR has lumped these tributaries together with the San Joaquin watershed and appears to assume the impacts are the same. This seems an erroneous conclusion. The League urges CALFED to recognize the importance and special characteristics of the Eastside tributaries.

Because of their complexity, it is hard to write only a little about CALFED's alternatives as presented in the programmatic document. The League hopes to address other issues after review of the next draft, such as finances (water user pays, and fish/wildlife/flood control costs borne by the general taxpayer); assurances (require strong, binding environmental safeguards for any Delta transfer system); regulated transfers (review on a case by case basis in relation to LWVC positions); water quality (a primary emphasis along with conservation); and public participation (a basic League principle).

Like many organizations, the League wants the CALFED Program to succeed. Our members will continue watching the process closely and participate wherever we can. Thank you for this opportunity to express the League's point of view.

Sincerely,

Karyn Gill

Karyn Gill
President

Enclosure